



DECENT WORK CHECK

QATAR 2023

Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

The text in this document was last updated in June 2023. For the most recent and updated text on Employment & Labour Legislation in Qatar in Arabic, please refer to: <https://rawateb.org/qatar>

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Permanent Constitution of the State of Qatar 2004
2. Penal Code (Law No. 11 of 2004)
3. Labour Law (No. 14 of 2004)
4. Law On the Entry, Exit, and Residency of Foreign Nationals (No. 21 of 2015)
5. Law No 24 of 2002 on Retirement and Pensions (implemented in 2003)
6. The extension of protection to Gulf Cooperation Council citizens working abroad 2007
7. Compulsory Education Act No. 25 of 2001
8. Law No. 15 for the year 2011 on combating trafficking in persons
9. Law No. (17) of 2020 on determining the National Minimum Wage for Workers and Domestic Workers
10. Decree No. 25 of 2020 Setting the Minimum Wage for Workers and Domestic Workers

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Qatar has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Labour Law (No. 14 of 2004)
- Law No. (17) of 2020 on determining the National Minimum Wage for Workers and Domestic Workers

Minimum Wage

Wages are determined by individual employment contract. If wage is not specified in the employment contract, the worker is entitled to the wage specified in the enterprise work regulations. In the absence of these, worker is entitled to a wage equivalent to the wage specified for work of a similar type in the establishment and otherwise in accordance with the custom applicable to the profession in the place of performance of the work. In the absence of custom, a court order may specify wages in accordance with the requirements of justice.

Qatar enacted its minimum wage law in August 2020. The new legislation (Law No. 17 of 2020) and its implementing regulation (Decree No. 25 of 2020) are applicable from March 2021. The law allows the Minister for Administrative Development, Labour and Social Affairs to determine and revise the minimum wages at least once a year. The Law stipulates the establishment of a Minimum Wage Commission, the details of its establishment are to be determined by a decision of the Council of Ministers. The Commission shall examine and review the minimum wage for workers and domestic workers in line with specific parameters and make recommendations to the Minister for adoption.

The determination or revision of minimum wages must take into account economic factors, including economic growth,

competitiveness and productivity, and the needs of the workers and their families. Minimum wage is the lowest amount that workers and domestic workers can receive under this law regardless of their tasks, earnings or skills levels.

A non-discriminatory minimum wage, applicable to both local and migrant/foreign workers, is in force since March 2021. The law includes minimum thresholds for basic wage, food and accommodation. Qatar has also established Minimum Wage Commission to monitor the impact of this non-discriminatory wage.

Source: §65 of the Labour Law (No. 14 of 2004); Law No. (17) of 2020 on determining the National Minimum Wage for Workers and Domestic Workers; Decree No 25 of 2020 Setting the Minimum Wage for Workers and Domestic Workers

For more information on this, please refer to the section on minimum wages

Regular Pay

Labour law differentiates between the "basic wage" and the "wage". Basic wage is defined by the law as the rate of payment for the work done by the worker in a certain period of time or on the basis of piece or production and includes periodic increment. Wage is defined as a basic wage plus all increments, allowances and bonuses paid to the worker in return for or in respect of work of whatever kind and means of calculation.

Employers are required to pay workers their wages and other entitlements in legal tender, i.e., Qatari Rial, personally during working hours, at the workplace. Alternatively, wages may be paid into the

worker's bank account or to a representative, on worker's written consent.

Workers whose wages are calculated on annual or monthly basis are paid at least once a month. For all others, wages are paid on fortnightly basis. The worker must sign to confirm receipt of the remuneration, except in case of bank transfer, in worker's payroll register or on a pay-slip provided by the employer. This register or pay-slip must provide details related to the wage.

The employer who violates any of the above-mentioned provisions is sentenced to a maximum imprisonment of one month, or to a fine ranging two thousand to six thousand Riyals or both.

Employer cannot oblige workers to purchase goods produced by them or buy goods from some specified sources. An employer cannot withhold a worker's wages except by a judicial decision unless the worker and employer have agreed otherwise.

Employer may not charge any interest on the loan. The total deductions from a worker's wages must not exceed 10% of the wage. To pay alimony or debts owed to third parties, attachment of wages must not exceed 35% of the worker's remuneration. If a worker has to pay compensation for damage or material loss he may have caused his employer by reason of shortcoming or negligence, the wage deduction cannot exceed 7 days of his basic wage per month. The sum total of deduction must not exceed 50% of the worker's wage.

A worker must be paid his outstanding wages/dues on the day following

termination of contract (irrespective of whether termination is on worker or employer initiative). If a worker resigns without a notice period, the employer must pay the remaining dues within seven days after the employee leaves employment.

Source: §66-71 of the Labour Law (No. 14 of 2004)

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Qatar has not ratified any of the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Law (No. 14 of 2004)

Overtime Compensation

The normal working hours are 8 hours a day and 48 hours a week. During the month of Ramadan, the working hours are reduced and daily and weekly limit of 6 hours and 36 hours respectively is observed. Young workers may not be retained in the workplace for more than 7 continuous hours. Normal working hours for young workers are 6 hours per day. These are reduced to 4 hours per day in the month of Ramadan.

These statutory limits on normal working hours do not apply to employees performing security or cleaning work, or preparatory and complementary work that must be performed before or after normal working hours. Government is empowered to set maximum working hours for these employees, and for any other categories of employee, by order, but no such order could be located.

Workers should not work for more than 5 consecutive hours, interval of 1-3 hours must be given for prayers, rest and taking meals. The rest interval is independent of normal working hours and thus is not counted in working hours. The time spent by the worker in travelling to and from the place of work and residence of the worker do not form part of the working hours.

Total working hours, inclusive of overtime, must not exceed 10 hours per day except when overtime work is necessary for the prevention of gross loss or dangerous accident or for the repair or alleviation of the consequences of the said loss or

accident. The general daily and weekly hour limit is not applicable to the persons occupying responsible positions.

Employer pays up to 25% of the additional basic wage as compensation of hours of overtime work. Thus, the overtime wages are 125% of the normal wage rate. These provisions are not applicable on workers occupying responsible positions.

Source: §73-74 & 90 of the Labour Law (No. 14 of 2004)

Night Work Compensation

Night work is the work performed between 21:00 to 06:00.

Night worker is entitled to an allowance equivalent to 50% of his basic wages for hours of night work (night premium) except the shift workers. Thus, the night wages are 150% of the normal wage rate.

Night time work is prohibited for the young workers. These provisions are not applicable on workers occupying responsible positions.

Source: §74, 76 & 89 of the Labour Law (No. 14 of 2004)

Compensatory Holidays / Rest Days

Workers may be required to work on weekly rest days and public holidays to increase production or to provide public services and in the event of a disaster or to prevent a disaster, or to maintain work-related or industrial equipment or in the public interest.

Workers must be given compensatory rest for working on weekly rest days, official holidays and days of leave. Workers are not

allowed to work for two consecutive rest days (Friday) except the shift workers. These provisions are not applicable on workers occupying responsible positions.

Source: §75 & 76 of the Labour Law (No. 14 of 2004)

Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays to increase production or to provide public services and in the event of a disaster or to prevent a disaster, or to maintain work-related or industrial equipment or in the public interest.

Premium compensation for the work done on weekends and public holidays is equivalent to at least 150% of the basic wage. These provisions are not applicable on workers occupying responsible positions.

Source: §75 & 76 of the Labour Law (No. 14 of 2004)

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Qatar has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Law (No. 14 of 2004)

Paid Vacation / Annual Leave

Worker who has completed one year of service with the employer is entitled to paid annual leaves of 3 weeks (18 working days). Three-week annual leave is available for workers with one to five years of service. The annual leave is increased to 4 weeks for five or more years of service.

Worker is entitled to receive his/her basic wage during annual leave. Employer must pay all dues and wages for work done in addition to the wage for the period of annual leave prior to the starting of annual leave. Employment is secure during annual leaves.

Labour law allows splitting of annual leave. Annual leaves are usually taken in a single block but employer may divide them in to two parts after the worker's consent. According to the requirement of work, employer decides the date of annual leave.

Workers cannot waive their annual leave entitlement; instead they can request the employer to carry over half of their annual leaves to the following year.

On termination, worker receives payment in lieu of annual leaves accrued but not taken.

Source: §79-81 of the Labour Law (No. 14 of 2004)

Pay on Public Holidays

Public holidays are paid rest days of religious or memorial nature. Qatar has ten

such holidays. These are Eid al Adha/Feast of Sacrifice (3 days), Eid al Fitr/Feast of the Breaking of Fast (3 days), Independence Day (December December) and 3 working days to be specified by the employer. Dates of the Eid holidays are subject to sighting of moon and thus are liable to change.

Public holidays are paid days and if a worker is required to work on a public holiday, he is entitled to compensatory rest day along with 150% of the basic wage as premium compensation.

Source: §75 & 78 of the Labour Law (No. 14 of 2004)

Weekly Rest Days

Labour law provides for a weekly rest day. Since the weekly hours of work are distributed over six working days, workers are entitled to one day (24 hours) of weekly paid rest which is Friday except for the shift workers.

Summer Midday Break

During the hottest time of day, midday break rules prohibit the labour to work under direct sunlight. The Decree No. 16 of 2007 has notified timings of midday break between 11:30 to 15:00 and it is effective between the dates of 15 June – 15 September. If a company does not comply with the law, labour inspectors can order closure for a period of one month as punishment. Oil and gas companies are exempted to provide midday breaks.

Source: §75 of the Labour Law (No. 14 of 2004); Ministerial Decision No. 16 of 2007 determining the working hours in exposed workplaces during the Summer

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Qatar has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Law (No. 14 of 2004)
- Law On the Entry, Exit, and Residency of Foreign Nationals (No. 21 of 2015)

Written Employment Particulars

Employment contracts are regulated under the Labour Law. Service contract is an agreement between an employer and worker, whether of a definite or indefinite duration, whereby the worker undertakes to perform a certain work for the employer, under his direction or supervision, in return for a wage. Labour Law requires employment contracts to be in writing. A written employment contract is drawn up in three copies (signed by all the parties), one copy each for the worker, the employer and the Ministry of Labour and Social Affairs for authentication. In the absence of written contracts, an employee has to establish his rights through any admissible evidence.

An employment contract must specify the following: employer and workplace details; the name, qualifications, nationality, profession and residence of the worker and the proof necessary for his identification; the date of conclusion of the contract; the nature and type of the work and place of contracting; the date of commencement of the work; the period of the contract (if the contract is of a definite duration); the agreed wage and the method and date of the payment thereof.

The contract must be written in Arabic. If necessary, translation of the contract in other language is attached to the contract written in Arabic. In case of any discrepancy, Arabic text prevails.

In order to be employed anywhere in Qatar (including the Qatar Financial Centre), foreign nationals are required to have a valid residency visa that permits the holder to work.

The 2009 sponsorship law gave employers excessive control over workers. Workers were allowed to change jobs with the permission of their current employer, who had to issue a “no objection certificate”. If workers left their sponsor for any reason or work for another employer, it was considered criminal offence and the workers were considered to have “absconded” or to be “runaways”. In order to leave the country, workers were required to get the permission of their employer in the form of an “exit permit”.

Law No. 21 of 2015 regulating the entry, exit and residency of expatriates came into force on 13 December 2016. The new covers the conditions for entry to and departure of expatriates from Qatar. It regulates their recruitment (§17-20), sets the conditions for changing employers (§21-23), and sets out the conditions for their deportation and repatriation (§24-28). The new law enables foreign workers wishing to leave Qatar to apply to the Ministry of Interior for permission to do so, up to 72 hours in advance. If an employer objects to this, both sides can approach a grievance committee (exit permit petitions committee), which is to be set up under the law to look into such complaints. The new law obliges an employer to inform the Ministry 3 days prior to an employee exiting Qatar. With the approval of employer, employee may exit Qatar immediately. In case of emergency, the worker can leave immediately after notifying the employer and by approval of the exit permit petitions committee which must take its decision on the request within three working days.

A sponsored employee was earlier prohibited from working for another employer without a special permission, i.e., Non-Objection Certificate. And with such NOC, a worker had to leave the country for a minimum of two years before returning to Qatar to work for another employer. Under the new law, a worker can switch job to another at the end of fixed term contract. In the case of indefinite term contracts, worker may change job/employer after five years of service under the current contract after the approval of employer, Ministry of Interior and Ministry of Labour & Social Affairs. In the event of recruiter's death or dissolution of employer, relevant authorities may authorize the change of employer. The Minister or his representative may authorize the transfer of a foreign national labourer who is not subject to the referenced Labour Law to another employer if proven that the Recruiter was abusive, or if required by the general welfare.

The new law requires the employer to passport or travel document to the worker on completion of procedures for issuance or renewal of his/her residence permit. Employer can withhold passport only if the expatriate worker requests his/her employer in writing to hold onto the passport. The employer is required to return the passport upon the expatriate worker's request. The new law also raised the penalty for employers who confiscate workers' passports from QR10,000 (under 2009 law) to QR25,000.

In August 2020, Qatar enacted Law No. Law No. 19 of 2020 amending certain provisions of Law No. 21 of 2015 related to organizing the entry and exit of expatriates and their residence. The amended law allows workers to change employer as per the standards established by the Ministry of

Administrative Development, Labour and Social Affairs.

Under the previous law, workers would need a "No-Objection Certificate" to transfer to a new employer. Under the new system, this requirement has been removed. Similarly, the law no longer requires an exit permit before moving to a new job in another country.

Source: §9 & 38 of the Labour Law (No. 14 of 2004); Law on the Entry, Exit, and Residency of Foreign Nationals (No. 21 of 2015)

Fixed Term Contracts

Employment contract can be for a fixed term or indefinite term. Fixed term contracts are effective. Duration of this contract is five years maximum, but may be renewed for the same duration for unlimited number of times to the initial contract.

Renewed period is the extension of the original period and the worker's service for the employer is calculated from the start of the original contract. If workers continue working after expiry of the contract and without renewal of contract, then the contract is considered to be an indefinite term contract on same terms and conditions as the original fixed term contract.

If the contract is based on performance of a particular task, it terminates on completion of that task. Employment regulations are same for both the fixed term contracts and the indefinite term contracts.

The Ministerial Decision No 95 of 2019 has remove the barriers to take prior permission to leave country from employer for migrant and domestic workers. In

addition to protect the right of domestic workers and employers, worker has to inform 72 hours before departure.

Qatar has dismantled the most restrictive elements of the kafala (sponsorship) system by removing the requirements for workers to obtain exit permits to leave the country, and no-objection certificates to change employers.

Source: §39 & 40 of the Labour Law (No. 14 of 2004); Ministerial Decision No 95 of 2019

Probation Period

After signing a contract of employment, a worker may be subjected to a period of probation of maximum six months. The probation period must be clearly specified in the employment contract. Employer is prohibited to place a worker on probation more than once for the same job (no possibility for renewal).

An employer may terminate an employment contract with a notice period of 3 days if a worker fails to prove his competence for job during this probationary period.

In August 2020, Qatar enacted Law No. 18 of 2020, which amends specific provisions of Labour Law No. 14 of 2004. The amended law sets new notice requirements for termination of contracts during the probationary period. An employer may terminate the employment contract during the probationary period if a worker is unfit to carry out their duties. The required notice period has been increased from three days to one month. The amended law also has provisions on termination of employment contract by a worker during the probationary period.

A worker wishing to terminate the contract during the probationary period must inform the employer of their intent to terminate the contract at least one month before the date of termination. The law requires the new employer to compensate the current employer a portion of recruitment fees and air ticket, provided that it does not exceed two months of the worker's basic wage. If a worker wants to terminate the contract during the probationary period and leave the country, the maximum required notice period can be two months.

If either party terminates the employment contract without abiding by the above notice periods, they must pay the other party compensation equivalent to the worker's basic wage for the notice period or the remaining part of the notice period.

Source: §39 of the Labour Law (No. 14 of 2004), amended by Law No. 18 of 2020

Notice Requirement

Termination of employment contract is regulated under the provisions of Labour Law. Employment may be terminated with or without notice. Notice period for the worker employed on monthly or annual basis ranges from one month (for less than five years of service) to two months (for more than five years of service). For other workers, notice period is one week (for less than one year of service), two weeks (for one to five years of service) and one month (for five or more years of service).

Notice period must be given in writing and workers are entitled to their full wages during notice period if they perform all their duties.

A contract terminating party (employer or employee) has to pay gross wages for the notice period or part remaining thereof in lieu of notice if a contract is terminated without complete observation of notice period. An employer cannot terminate a worker on leave or public holiday and any such notice commences on the completion of such leave or holiday.

During notice period, Qatari nationals are allowed a reasonable free time from work to register for new employment with the Ministry of Labour and Social Affairs. Worker must inform the employer if he/she finds a new job, but should remain in employment till the end of the notice period.

Employer can terminate the employment contract during probation by giving notice period of 3 days. If worker terminates the contract during probation, the normal minimum statutory notice period applies.

Employers are required to maintain a register where the names of the workers whose services have been terminated, the dates and causes of the termination and the entitlements paid to them or to their heirs are entered.

In August 2020, Qatar enacted Law No. 18 of 2020, which amends specific provisions of Labour Law No. 14 of 2004. The amended law sets new notice requirements for the termination of contracts. Either party may terminate the employment contract at any time without cause after adhering to the necessary notice periods:

1. The notice period is one month during the first two years of employment;
2. The notice period is two months after the first two years of employment with the enterprise.

If either party terminates the employment contract without abiding by the above notice periods, they must pay the other party compensation equivalent to the worker's basic wage for the notice period or the remaining part of the notice period. If an expatriate worker leaves the country without complying with the above notice requirements, they shall not be granted a work permit in the country for one year as of the date of their departure.

In the case of economic dismissals due to economic, structural or other reasons that are not related to the employment contract, employer must notify the Ministry of Administrative Development, Labour and Social Affairs at least 15 days before termination, including a written statement of the reasons for the termination, the number and categories of workers likely to be affected, the period over which the termination is intended to be carried out.

Source: §39, 48-50 of the Labour Law (No. 14 of 2004), amended by Law No. 18 of 2020

Severance Pay

On the termination of employment, a worker who has completed one or more years of service is entitled to receive severance pay of at least three-week basic pay as at the time of termination for each year of service. The entitlement is calculated pro rata for less than one year of service, once the necessary condition of one year of service has already been met.

The employer may deduct the amount due to him by the worker from the severance pay. The worker may choose to receive either the severance pays or the benefit under the pension scheme, whichever benefits him more.

All the Qatar nationals and foreign nationals working in Qatar are eligible to receive severance pay on termination of employment. The employer pays the wages and other sums to the worker within a day of the contract termination. In case the worker has abandoned the work without giving the notification, the employer pays the wage and other sums to which the worker is entitled within a period of seven days from the date of the worker abandoning the work.

Source: §54 & 67 of the Labour Law (No. 14 of 2004)

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Qatar has not ratified the Convention 156 and 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

Paternity Leave

No provision could be located in law regarding paternity leave.

Parental Leave

No provision could be located in law regarding parental leave.

Flexible Work Option for Parents / Work-Life Balance

In Qatari Law, there is no specific provision for flexible working time for parents of minor children.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Qatar has not ratified the Conventions 103 and 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Law (No. 14 of 2004)

Free Medical Care

No provision could be located in law regarding free medical care for pregnant workers.

No Harmful Work

Women, in general are prohibited from being employed in dangerous or arduous work, work detrimental to their health, morals or other works to be specified by a Decision of the Minister.

Source: §94 of the Labour Law (No. 14 of 2004)

Maternity Leave

Women workers are entitled to maternity leave with full pay for 50 days, to cover pre and post maternity period. The compulsory leave is at least 35 days after childbirth.

To avail maternity leave, worker must have completed at least one year of service with the employer and provide a medical certificate issued by a licensed physician stating the probable date of delivery.

The female worker may be granted a complementary leave from her annual leave if the remaining period of the leave after delivery is less than thirty days. Otherwise the complementary period is deemed to be a leave without pay.

If the medical condition of the female worker prevents her from resuming her work after expiry of her maternity leave, the

female worker is granted leave without pay provided that the period of her absence does not exceed sixty consecutive or interrupted days. She must also provide a medical certificate of her medical condition issued by a licensed physician.

Maternity leave is independent of a worker's entitlement to other leave.

Source: §96 of the Labour Law (No. 14 of 2004)

Income

Workers on maternity leave are entitled to full wages during the fifty-day period, paid by the employer. Extended period of maternity leave is unpaid.

Source: §96 of the Labour Law (No. 14 of 2004)

Protection from Dismissals

The employer must not terminate the employment of the worker on grounds of taking maternity leave or unpaid leave related to a maternity health condition. Further, the employer must not dismiss the worker, or give her notice of dismissal, during such leave.

Source: §98 of the Labour Law (No. 14 of 2004)

Right to Return to Same Position

No provision could be located in the labour law regarding right to return to the same position after availing maternity leave. However, since employers are prohibited from dismissing a worker during maternity leave, the labour law implicitly provides the right to return to same position.

Breastfeeding

In accordance with the labour law, a nursing mother is entitled to a daily break or breaks of one hour in total to nurse her child for a year, without any loss of remuneration. The worker determines how and when the daily nursing time is taken.

Source: §97 of the Labour Law (No. 14 of 2004)

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Qatar has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Law (No. 14 of 2004)

Employer Cares

An employer is required to protect the health and safety of workers at the workplace in accordance with the provisions of Labour Law. Workers have the right to the type of work and working environment which is safe and without risk to health.

Employers have to ensure the health and safety of worker from injury to their health and dangers of work, from any accident or fire, and from any defect or breakdown in machinery or equipment. These precautionary measures are provided free of cost by the employer.

Employer must inform the employee on recruitment regarding the risk involved and preventive measures to be taken. Written health and safety measures should be displayed conspicuously at the workplace. Employer must comply with the rules issued by the competent authorities regarding provision of hygiene, good ventilation, suitable lighting, drinking water, proper cleaning and drainage system.

There must be at least one first-aid box per 25 employees, assigned to the care of an employee trained in administering first aid. An employer must employ a full-time nurse in an establishment with more than 100 employees and provide a clinic staffed by a doctor and a nurse in case of more than 500 employees.

Employer must also provide suitable transport or accommodation or both,

drinking water and food to the workers living in remote locations where they lack normal transport links.

Employee must use the safety equipment with care and act according to the prescribed instructions to preserve his health and protect himself from getting injured. Employee must not involve in any action that tends to obstruct implementation of the instructions or the misuse or causing of damage or loss to the means provided for the protection, safety and health of other employees.

Source: §99-107 of the Labour Law (No. 14 of 2004)

Free Protection

According to the Labour Law, it is obligatory for the employer to provide protective equipment for free and must not charge or deduct any amount from the employees' salary for the provision of such equipment.

Employer must provide the employee with work clothes and personal protective equipment that suits the nature of the work.

The worker uses the protection devices and the uniforms provided by the employer and conforms to all instructions of the employer aiming at protecting the worker from injuries and diseases.

Source: §100-101 of the Labour Law (No. 14 of 2004)

Training

No specific provision could be located regarding training by the employer to the worker on OSH issues. However, the

employer must inform the employee on recruitment regarding the risk involved and preventive measures to be taken and post up in a conspicuous place the detailed instructions concerning the means of observing vocational health and safety for ensuring protection from hazards to which they are exposed during performance of their work.

Source: §99 of the Labour Law (No. 14 of 2004)

Labour Inspection System

The Work Inspection Authority within the Ministry of Labour is responsible for monitoring and enforcing the application of employment legislation, including health and safety provisions.

The labour inspectors are empowered to enter workplaces during working hours, without previous notification; inspect registers, books, files and any other documents related to employees to ensure their compliance with the applicable legislation, and to detect any breaches of the legislation; obtain samples of materials, and inspect machinery and facilities to ensure the availability of sufficient and effective means for protecting employees from health and safety risks; and question the employer or its representative and employees, individually or in the presence of witnesses, about any matters related to the implementation of employment legislation.

The employer or its representative must facilitate the work of inspectors by providing them with correct information, and attend meetings whenever required to do so by an inspector. The multilingual male and female inspectors have been

hired and have ability to immediately report the violation of Qatari Labour Law by using GPS quipped electronic handheld devices. The 27/7 helpline has been established to report the grievance against employer.

In the case of breach of health and safety legislation, inspectors, depending on the circumstances, advise and provide guidance to the employer about how to prevent the breach concerned; or issue a notification to the employer, requiring it to rectify the violation within a specified time limit; or report the violation to the Ministry of Labour and Social Affairs, which may take appropriate legal action.

The Ministry of Labour and Social Affairs may order the partial or total closure of a workplace, or to suspend the use of one or more machines if the employer fails to take the precautionary measures required by health and safety legislation, or if there is an imminent danger to employees' health or safety, until the causes of the danger cease to exist. In such cases, the employer must pay the employees concerned their full remuneration during the period of closure or suspension.

Any violations of the mandatory provisions of the Labour Law or any regulations or orders issued under the Labour Law make the offender liable to a penalty, which may be a fine and/or imprisonment, depending on the circumstances. The same penalties apply to any person who obstructs or prevents any official from performing his or her duties to inspect and to enforce the statutory provisions.

Regarding criminal liability, criminal proceedings may be filed against the general manager of a company and against the employer if the court finds that

circumstances give rise to the belief that the employer or general manager could not have been unaware of the facts constituting the health and safety violation.

The Ministry of Labour and Social Affairs, as far as possible, will not institute criminal proceedings before the advice, guidance and warning procedure has been exhausted.

Following an accident, if a police report concludes that one of the employer's personnel or managers was at fault or negligent, the staff member or manager may face prosecution in a criminal court for the act or omission that has been deemed to amount to a crime.

Source: §135-146 of the Labour Law (No. 14 of 2004)

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Qatar has not ratified the Convention 102, 121 and 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Law (No. 14 of 2004)

Income

Workers with at least 3 months of service with an employer are entitled to two weeks of fully paid sick leave, provided that the worker proves his sickness by a certificate from a physician approved by the employer.

Sick leaves can be extended up to twelve weeks. First two weeks are fully paid while for the next four weeks, half wages are paid. Rest of the extended leaves (6 weeks) is not paid until the worker resumes his work or resigns or his service is terminated for health reasons.

If a worker resigns before the end of paid sick leaves, employer should pay to the worker the balance of his entitlement.

Source: §82 of the Labour Law (No. 14 of 2004)

Medical Care

It is obligatory for the employer to provide medical facilities for his workers. Employer should provide at least one first-aid box, meeting specified standards, for 25 employees. The box must be easily accessible and assigned to the care of an employee trained in administering first-aid.

Employee should hire a full-time medically qualified nurse to carry out basic first aid if the number of employees is more than one hundred. If the number of employees is more than 500, employer should provide a clinic staffed by a doctor and a nurse

Workers who are exposed to the risk of occupational diseases must get medically examined at appropriate interval.

Source: §82 of the Labour Law (No. 14 of 2004)

Job Security

The employer must not terminate the employment of the worker on grounds of taking sick leave. Further, the employer must not dismiss the worker, or give her notice of dismissal, during such leave. However, the total duration of protected leave is only 12 weeks.

The Law No 17 of 2018 was made to create the Workers' Support and Insurance Fund in order to protect employee from the overdue of unpaid wages because of employer has closed due to illegal activity or went out of business.

Source: §85 of the Labour Law (No. 14 of 2004); §5 of Law No 17 of 2018

Disability / Work Injury Benefit

Law defines work injury as suffering by the worker from any of the occupational diseases listed in the law or any injury resulting from an accident happening to the worker during the performance of his work or by reason thereof or on his way to or back from his work provided that the journey to and from the work is made without any break lingering, or diversion from the normal route.

Work injuries are can lead to the following four situations: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In case of work injury, employer pays full cost of medical treatment appropriate to the worker's condition. Worker is entitled to receive his full wage during the treatment or for six months, whichever is less. If the treatment period exceeds six months, worker receive half of his pay until the recovery or disability proved to be permanent or death, whichever is less.

If the worker has suffered permanent total disability as a result of an occupational injury or disease, the employer must pay the employee lump-sum compensation; set in accordance with the provisions of Shari'a law (the sum is currently QAR 200,000). If the employee dies as a result of an occupational injury or disease, the same sum is payable to his or her heirs.

If the employee has suffered a permanent partial disability as a result of an occupational injury or disease, the employer must pay the employee lump-sum compensation. The amount is set as a percentage of the full amount payable for permanent total disability, depending on the severity of the disability.

The employer must pay the compensation within 15 days from the date the disability was confirmed or death occurred.

Source: §1,109, 110 & 114 of the Labour Law (No. 14 of 2004)

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Qatar has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Labour Law (No. 14 of 2004)
- Law No 24 of 2002 on Retirement and Pensions (implemented in 2003)
- The extension of protection to Gulf Cooperation Council citizens working abroad 2007

Pension Rights

Law provides for both full pension as well as early pension. The qualifying condition for old age pension is reaching the age of 60 years (men) or age of 55 years (women) with at least 15 years of paid contributions. For early pension, a worker must have reached the age of 40 years (both men and women) with at least 15 years of paid contributions.

The amount of old-age pension and early old age pension is 5% of the insured worker's average wage in the last 5 years of employment. The amount of minimum pension is 75% of the insured worker's gross monthly income and maximum pension is 100% of the insured worker's gross monthly income. The early pension reduction ranges from 2% to 2.5% for each year the pension is taken before the normal retirement age.

In case insured person does not meet the qualifying condition for an old-age pension, he/she is entitled to old-age settlement. It is paid as a lump sum of the insured worker's contributions.

Sources: Law No 24 of 2002 on Retirement and Pensions (implemented in 2003); the extension of protection to Gulf Cooperation Council citizens working abroad 2007

Dependents' / Survivors' Benefit

The surviving family members are entitled to a survivors' pension if the deceased person was in covered employment or was a pensioner at the time of death. In case the insured person does not meet the qualifying conditions of the survivor pension, survivor settlement is paid to the surviving family.

Survivors that are eligible for the pension include widow(er), children, parents and siblings. The widow(er) with no children is entitled to receive 75% of the old-age or disability pension the deceased received or was eligible to receive (100% is split equally if there is more than one widow). The widow(er) with one or more children is entitled to receive 33.3% (50% is split equally if there is more than one widow).

Single eligible orphan is entitled to receive 50% of the old-age or disability pension the deceased received or was eligible to receive, 66.7% is paid for more than one orphan (50% for more than one orphan and more than one widow); 75% is paid for a full orphan (100% is split equally if there is more than one full orphan).

Other eligible survivors are entitled to receive 16.7% to 50% of the old-age or disability pension the deceased received or was eligible to receive.

All survivor benefits combined must not exceed 100% of the insured's gross monthly earnings.

A lump sum of the insured person's contribution is paid as a survivor settlement.

Sources: Law No 24 of 2002 on Retirement

and Pensions (implemented in 2003); the extension of protection to Gulf Cooperation Council citizens working abroad 2007

Sources: Law No 24 of 2002 on Retirement and Pensions (implemented in 2003); the extension of protection to Gulf Cooperation Council citizens working abroad 2007

Unemployment Benefits

No provision could be located in law regarding unemployment benefit. Unemployed Qatari nationals are registered with the labour department.

Source: §20 of the Labour Law (No. 14 of 2004)

Invalidity Benefits

There is a provision for invalidity benefit if a worker is younger than age 60 (men) or age 55 (women) and assessed with a total incapacity for work. In case an insured worker does not meet the qualifying conditions for the invalidity benefit, disability settlement is paid.

Invalidity benefit is calculated as a 5% of the insured's average gross monthly earnings in the last five years before retirement (last gross monthly salary for public-sector workers) multiplied by the number of years of contributions or 15 years (20 years for a non-work-related disability), whichever is greater.

In case of a work-related disability, a full pension is paid regardless of contributory period. The minimum monthly pension is 75% and the maximum monthly pension is 100% of the insured's gross monthly earnings.

A lump sum of the insured worker's contributions is paid as a disability settlement.

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Qatar has ratified the Convention 111 only.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Permanent Constitution of the State of Qatar 2004
- Labour Law (No. 14 of 2004)
- Penal Code (Law No. 11 of 2004)

Equal Pay

A working woman is paid a wage equivalent to the wage payable to a man if she performs the same work. Also, she avails the same opportunities of training and promotion.

To protect the migrant workers, the Government has introduced Wage Protection System. The authorities can check and balance the timely transfer of pay, as stipulated in contract and end the cash in hand culture.

Source: §93 of the Labour Law (No. 14 of 2004);
<https://www.qib.com.qa/ar/wholesale/corporate/Wages-Protection-System.aspx> ;
<https://www.gco.gov.qa/en/focus/labour-reform/>

Sexual Harassment

No specific provision could be located in the law regarding protection of workers from sexual harassment at workplace. However, a worker may terminate the employment contract without notice on account physical assault and immoral act upon the worker or a member of his family by the employer or manager. An employer may also terminate employment contract of a worker without notice and severance pay if such worker has been finally sentenced for a crime involving immorality or dishonesty.

According to Penal Code, a person found guilty of the crime of immoral harassment of women is liable to a fine and/or imprisonment.

Source: §51 & 61 of the Labour Law (No. 14 of 2004); §290-293 of the Penal Code (Law No. 11 of 2004)

Non-Discrimination

According to the Constitution, all individuals must be treated equally before the law and that there must be no discrimination with regard to race, nationality, religious belief or social status.

No provision could be located in labour law regarding non-discrimination in employment.

Source: §35 of the Permanent Constitution of the State of Qatar 2004; §51 & 61 of the Labour Law (No. 14 of 2004)

Equal Choice of Profession

Labour law ensures equal rights and same regulations of employment for both men and women. Women get equal pay for equal amount of work as that of men. However, there is an exception that women cannot work at times that are not specified by the Minister's Decision and at places that can be hazardous to their health.

Source: §93-95 of the Labour Law (No. 14 of 2004)

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Qatar has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Law (No. 14 of 2004)
- Compulsory Education Act No. 25 of 2001

Minimum Age for Employment

The minimum age for employment is 16 years for both sexes. Children under 16 should not be allowed to enter in any workplace.

Before employment, juvenile must be medically examined for his fitness for the required work by the competent medical authority. A juvenile may not be employed without the consent of his father or guardian and the issuance of a special permission from the Department. If the juvenile is a Qatari pupil, an approval from the Minister of Education shall be obtained.

Compulsory Education Act provides for free universal compulsory education. The Act states that education is compulsory and free of charge for all children from the beginning of the primary stage to the end of the intermediate change or until the child reaches the age of 18, whichever is earlier.

Source: §86-88 of the Labour Law (No. 14 of 2004); Compulsory Education Act No. 25 of 2001

Minimum Age for Hazardous Work

Minimum age for the hazardous work is eighteen years. Employees who are under 18 are not allowed to work for more than 7 hours a day and at night (between sunset and sunrise). Young workers cannot be required to work overtime, during weekly rest days or public holidays.

Employer is required to keep a complete record of juveniles employed at the workplace and has to display conspicuously at the workplace the schedule specifying the working hours, the rest intervals and weekly rest times. Employer is further required to submit to the department a statement showing the name and work of the Juvenile and date of his engagement.

Source: §89-92 of the Labour Law (No. 14 of 2004)

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Qatar has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Labour Law (No. 14 of 2004)
- Law No. 15 for the year 2011 on combating trafficking in persons

Prohibition on Forced and Compulsory Labour

Human trafficking is considered as a crime and the criminal is punished by the fine up to Qr 300,000 and imprisonment up to fifteen years. Fine and punishment varies according to the form of human trafficking as provided by the law.

Source: §13-17 of the Law No. 15 for the year 2011 on combating trafficking in persons

Freedom to Change Jobs and Right to Quit

Worker has a right to quit his job after providing appropriate notice period. Notice period for the worker employed on monthly or annual basis ranges from one month (for less than five years of service) to two months (for more than five years of service). For other workers, notice period is one week (for less than one year of service), two weeks (for one to five years of service) and one month (for five or more years of service).

Worker can quit the job without notice and retain his full rights to the end of the service gratuity, in following circumstances: the employer breaches its obligations under the employment contract or employment legislation; the employer or a manager commits a physical assault or an immoral act against the employee or one of the employee's family members; the employer or its representative, at the time of

recruitment, misled the employee with regard to the terms and conditions of employment; or continuing with the work seriously endangers the employee's health and safety, and the employer is aware of the danger and does not take the necessary actions to remove it.

In August 2020, Qatar enacted Law No. 18 of 2020, which amends specific provisions of Labour Law No. 14 of 2004. The amended law sets new notice requirements for the termination of contracts. Either party may terminate the employment contract at any time without cause after adhering to the necessary notice periods:

1. The notice period is one month during the first two years of employment;
2. The notice period is two months after the first two years of employment with the enterprise.

The amended law also has provisions on restrictive covenants, clauses in a contract prohibiting an employee from competing with ex-employer for a certain period after the employee has stopped working with the employer. The restrictive covenants may also prohibit an employee for competing or engaging in competing business in the same economic sector. The non-compete clauses in the employment contracts could last up to a maximum of two years following termination of employment. Under the amended law, the permissible length of non-compete clauses has been reduced to one year. It also prohibits inclusion of terms requiring a worker to undertake work for the same employer for life, or refrain, for life, from carrying out any occupation or trade after leaving employment.

Source: §49-51 of the Labour Law (No. 14 of 2004), amended by Law No. 18 of 2020

Inhumane Working Conditions

Working time may be extended beyond normal working hours of 48 hours a week and 8 hours a day. However, total hours of work inclusive of overtime must not exceed 10 hours a day. Thus, the total working hours per week must not exceed 60 hours. For more information on this, please refer to the section on compensation.

Source: §73 & 74 of the Labour Law (No. 14 of 2004)

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Qatar has not ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Permanent Constitution of the State of Qatar 2004
- Labour Law (No. 14 of 2004)

Freedom to Join and Form a Union

The constitution guarantees Qatari citizens the right to establish associations. Labour law also permits Qatari citizens, the formation and operation of trade union. Foreign nationals are not permitted to form or join unions.

If at least 100 Qatari national employees are working in an establishment, they can form a "worker's committee". Only one such committee is permitted in each establishment. Worker's committees of similar or connected establishments are entitled to form "general committee". Various general committees may form a General Union of Qatari Workers.

Government determines the terms, procedure of formation, and issues related to their membership and internal operation of the worker's organisations. These organisations must comply with the rules set out by the Government, related to the membership, elections, financing, membership fees and funds.

Role of these organisations is to take into account the interests of their members, protect members' rights and represent them in all matters related to work. Workers' organisations are prohibited from participating in various acts, including political or religious activities and the publication or distribution of material offensive to the Qatari state. The Government may dissolve a workers' organisation if it engages in prohibited acts

or other acts outside the purposes for which it was established.

Source: §45 of the Permanent Constitution of the State of Qatar 2004; §116-119 of the Labour Law (No. 14 of 2004)

Freedom of Collective Bargaining

Labour law allows the formation of joint committee in an establishment with thirty or more workers, with representatives of both employers and workers. Members of the committee are four if there are 200 or more workers in an establishment, six if the workers are more than 200 or less than 500 members and eight if the workers are 500 or more. The Minister issues a decision regulating the conditions and procedures of election.

The joint committee deal with the matters related to regulation of work, the means of increasing and developing the production and enhancing the productivity, the training programmes of the workers, the means of protection from dangers and the improvement of the standards of compliance with the rules of safety and occupational health, the development of the general culture of the workers, the development of the social services in the establishment and settlement of individual and collective disputes in the establishment.

The committee submits its recommendations on these matters to the employer to consider whether they can be implemented.

The employers and workers have the right to conduct collective negotiation and conclude joint agreements on all matters related to the work. The Minister issues a

decision on the regulation of the rules and procedures of collective negotiation and the method of representation of the parties therein and the rules regulating the joint agreements as to conclude, contents, scope, the means of acceding them, the duration and interpretation thereof and the disputes which may arise from its implementation.

If any collective labour dispute arises between the employer and some or all of his workers, the two parties should try to settle it between themselves and if there is a joint committee in the establishment, the dispute is referred to it for settlement. If the two parties fail, labour department settle the dispute through its mediation.

If the mediation of the department fails to settle the dispute within fifteen days, the department submits the dispute to the conciliation committee for its decision. The committee issues its decision within a week, otherwise refer to the arbitration committee within fifteen days after the date of the decision. An award made by the arbitration committee is binding on both parties to the dispute.

Source: §124-132 of the Labour Law (No. 14 of 2004)

Right to Strike

Foreign nationals have no right to strike. Qatari nationals may go on strike if amicable settlement of a dispute between employees and an employer through conciliation or arbitration proves impossible.

Following conditions must be met before initiating the strike: the strike must be approved by at least three-quarters of the

members of the general committee in the trade or industry concerned; the employer must be given at least two weeks' notice before the start of the strike; the public authorities must approve the timing and location of the strike; and there must be no detriment to public or private property, or to people's security and safety.

Strikes are prohibited in petroleum and gas related industries, electricity, water, seaports, airports, transportation and hospitals.

Source: §120 of the Labour Law (No. 14 of 2004)

QUESTIONNAIRE

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Check

Decent Work Check Qatar is a product of
WageIndicator.org and rawateb.org/qatar



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

| | NR | Yes | No |
|---|----|--------------------------|--------------------------|
| 1. I earn at least the minimum wage announced by the Government | | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly) | | <input type="checkbox"/> | <input type="checkbox"/> |

02/13 Compensation

| | | | |
|--|--|--------------------------|--------------------------|
| 3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Whenever I work at night, I get higher compensation for night work | | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. I get compensatory holiday when I have to work on a public holiday or weekly rest day | | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it | | <input type="checkbox"/> | <input type="checkbox"/> |

03/13 Annual Leave & Holidays

| | | | |
|---|--|--|---|
| 7. How many weeks of paid annual leave are you entitled to?* | | <input type="checkbox"/> 1 <input type="checkbox"/> 2 | <input type="checkbox"/> 3 <input type="checkbox"/> 4+ |
| 8. I get paid during public (national and religious) holidays | | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week | | <input type="checkbox"/> | <input type="checkbox"/> |

04/13 Employment Security

| | | | |
|--|--|--------------------------|--------------------------|
| 10. I was provided a written statement of particulars at the start of my employment | | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. My probation period is only 06 months | | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice) | | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i> | | <input type="checkbox"/> | <input type="checkbox"/> |

05/13 Family Responsibilities





| | | | |
|---|--|--------------------------|--------------------------|
| 15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i> | | <input type="checkbox"/> | <input type="checkbox"/> |

06/13 Maternity & Work





| | | | |
|---|--|--------------------------|--------------------------|
| 18. I get free ante and post natal medical care | | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work | | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. My maternity leave lasts at least 14 weeks | | <input type="checkbox"/> | <input type="checkbox"/> |

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy <i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

| | | | | |
|----|--|---|--------------------------|--------------------------|
| | Nationality/Place of Birth |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Social Origin/Caste |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Family responsibilities/family status |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Age |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Disability/HIV-AIDS |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Trade union membership and related activities |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Language |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sexual Orientation (homosexual, bisexual or heterosexual orientation) |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Marital Status |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Physical Appearance |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Pregnancy/Maternity |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 40 | I, as a woman, can work in the same industries as men and have the freedom to choose my profession |  | <input type="checkbox"/> | <input type="checkbox"/> |





11/13 Minors & Youth

| | | | | |
|-----|---|---|--------------------------|--------------------------|
| 41. | In my workplace, children under 15 are forbidden |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. | In my workplace, children under 18 are forbidden for hazardous work |  | <input type="checkbox"/> | <input type="checkbox"/> |

12/13 Forced Labour

| | | | | |
|-----|--|---|--------------------------|--------------------------|
| 43. | I have the right to terminate employment at will or after serving a notice |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. | My employer keeps my workplace free of forced or bonded labour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. | My total hours of work, inclusive of overtime, do not exceed 56 hours per week |  | <input type="checkbox"/> | <input type="checkbox"/> |

13/13 Trade Union Rights

| | | | | |
|-----|---|---|--------------------------|--------------------------|
| 46. | I have a labour union at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. | I have the right to join a union at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 48. | My employer allows collective bargaining at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 49. | I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Qatar scored 36 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.